

IN THE DRAWINGS

Kindly amend Figure 3 in the drawings to show cross-hatching reflecting a cross-sectional view, in the manner shown on the attached "Substitute sheet" of drawings.

REMARKS

The foregoing amendments to the specification, drawings and claims have been made following review of the Examiner's Action mailed August 22, 2006, and are discussed below. Also presented herein are comments of the applicant relating to the various rejections of the claims in this application.

In paragraph 1 of the Examiner's Action, the drawings were objected to for lack of cross-hatching in Figure 3. Included herewith is a substitute sheet of drawing depicting in Figure 3 appropriate cross-hatching reflecting the cross-sectional view shown. Applicant solicits withdrawal of this objection.

In paragraph 2 of the Examiner's Action, objection to the ABSTRACT was raised because lines 8-13 were determined not to describe the invention. The amendments presented hereinabove include an instruction to delete lines 8-13 in the ABSTRACT, and applicant now solicits withdrawal of the objection to the ABSTRACT.

In paragraph 3 of the Examiner's Action, objection to the specification was raised for two noted errors. The amendments presented hereinabove include a correction of the two noted errors, AND a third error not identified by the Examiner was also corrected. Applicant solicits withdrawal of the objection to the specification.

In paragraph 4 of the Examiner's Action, objection to claim 1 was raised on the basis that the term "the laptop computer" lacks antecedent basis. The amendments presented hereinabove include a correction which changes the noted term to "a laptop computer". Applicant solicits withdrawal of the objection to claim 1.

In paragraph 5 of the Examiner's Action, objection to claim 8 was raised on the basis that the term "the handle" lacks antecedent basis. The amendments presented hereinabove include a correction which changes the noted term to "the strap", and applicant now solicits withdrawal of the objection to claim 8.

In paragraphs 6-8 of the Examiner's Action, claims 1, 6, 9 and 10 were rejected under 35 USC 103(a) as being unpatentable over the Cooley patent in view of the Sankey et al. patent.

The Examiner urges that Cooley discloses a laptop computer case comprising a tray 15 having a back side 15b, a bottom 6, at least one support 40, a first air space 44 formed between the laptop computer and the tray by the at least one support engaging the laptop computer, a lid 10 having a top 13 and a back side 10b, at least one privacy screen 125, a light 130 removably attached to the case, and a mouse pad.

But the Examiner also urges that the Sankey et al. patent teaches the features of applicant's invention that are not disclosed by Cooley – namely, a liner pad for the lid; a spacer; a first hinge attaching the spacer to the back side of the lid; a second hinge attaching the spacer to the back side of the tray; and a second air space formed between the lid and the tray when the lid and the spacer are rotated about the first and second hinges respectively to bring the top of the lid adjacent the bottom of the tray.

The Examiner then concludes that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Cooley with two hinges and a spacer as taught by Sankey et al. for the same purpose to achieve a compact arrangement.

Applicant respectfully urges that there is no basis for modifying the Cooley laptop case in view of the teachings of the Sankey et al. patent, and therefore the rejection of claims 1, 6, 9 and 10 over this combination of teachings is unfounded and must be withdrawn. Neither the Cooley patent alone nor the combination of teachings of Cooley and Sankey et al render obvious applicant's invention, as explained below.

In the present invention, the laptop case lid and tray are connected by a "double" hinge of the type suggested by the Sankey et al. patent, but the tray and lid taught by Cooley are joined by a single hinge 20 as shown in Figure 3 of that patent, and not by a double hinge as disclosed by applicant. Indeed, applicant draws the Examiner's attention to column 3, lines 46-52 of the Sankey et al. patent which state "the top and bottom cover members 10, 15 are connected along their respective back portions 10b, 15b, by a standard hinge system 20 which allows the top cover member 10 to rotate to the open

position along a horizontal axis at the junction of the back portions 10b, 15b of the top and bottom cover members 10, 15". It should be noted that the "open" position referred to is shown in Figure 2 of the patent, not to an "open" position as shown by applicant in Figures 2 and 3 of the present application.

Nor is the lid of the computer carrying case disclosed by Cooley capable of being connected via a double hinge of the type disclosed by applicants and Sankey et al. This is because the privacy screens 120 of Cooley, which are attached to and between the lid and the tray of the Cooley case, will not permit the Cooley lid to be rotated about the hinge 20 of Cooley to bring the top of the lid adjacent the bottom of the tray. The screens 120 constrain the motion of the Cooley lid 10 from one position where the top lid member 10 and the bottom lid member 15 are adjacent one another as shown in Figure 1 of the patent to a second position where the top and bottom lid members are arranged substantially normal to one another as shown in Figure 2 of the patent.

For these reasons, applicant respectfully urges that there is no basis for combining the teachings of the Cooley and Sankey et al. patents, and urges withdrawal of the rejections of these claims.

In paragraph 9 of the Examiner's Action, claims 2 and 3 were rejected under 35 USC 103(a) as being unpatentable over Cooley in view of Sankey et al. as applied to claim 1, and further in view of Speirs (USP 5,857,568). Applicant urges withdrawal of this rejection for the following reasons.

In the first place, the Speirs case 12 is a conventional brief case into which an adapter 10 has been removably placed for the purpose of converting the open interior of the brief case into a smaller defined area within which the user can snugly retain a laptop computer, but only for storage, not for use.

Secondly, there is no separate element that can be considered a "tray" – the only possibility is the interior floor 20 of the brief case. But nothing is secured to the floor 20 – the adapter appears to be merely placed on the floor of the brief case; however, if the adapter is secured to anything it would appear that only the ends of the front and rear frame members 48 and 50 are engaged with the upstanding sides of the bottom portion

of the brief case, and those upstanding sides are not, and do not constitute, a "tray". Hence Speirs fails to disclose or teach "each of the at least one engagement stops SECURED to the tray at an attachment location". In addition, Speirs does not teach adjustability of the attachment locations of the engagement stop or pad relative to the tray to which the engagement stop and the pad are secured.

Thirdly, the adapter of Speirs would have no purpose or place in the carrying case of Cooley since the space in which a user would place a laptop computer is already defined as the entire volume within the lower portion of the Cooley case. There appears to be no unused volume in the Cooley carrying case, and hence there would be no reason to use the adapter of Speirs.

Fourth, Speirs fails to cure the deficiencies noted above concerning the teachings of Cooley and/or Cooley in view of Sankey et al.

The rejection of claims 4 and 5 (directed mainly to features of the tray) under 35 USC 103(a) as being unpatentable over the Cooley and Sankey et al patents as applied to claim 1 and further in view of the US patent to Jung (6,145,661) is noted, as well as the rejection of claims 7 and 8 (directed mainly to features of the carrying strap) under 35 USC 103(a) as being unpatentable over the Cooley and Sankey et al. patents as applied to claim 1 and further in view of the US patent to Fahl et al.

Without commenting on the recitations of claims 4, 5, 7 and 8, applicant urges that neither the Jung patent nor the Fahl et al. patent cures the deficiencies of the combination of teachings of the Cooley and the Sankey et al. patents noted above, and therefore the underlying combination of teachings based on the Cooley and Sankey et al. patents, as presented by the Examiner, when combined with the teachings of either Jung or Fahl et al. fails to render obvious the invention in these claims.

The remaining prior art made of record, namely the patents to Moncrief, Hollingsworth, Wadden and Chang, has been reviewed, but none of these patents are considered to cure the deficiencies of the teachings of Cooley and Sankey et al.

For all the foregoing reasons, and taking into consideration the amendments presented above, it is the position of applicant that the claims in this application define patentably over the prior art of record. Accordingly, applicant urges that the objections and rejections made by the Examiner in his Action of August 22, 2006 be withdrawn and that claims 1-10 be accorded allowable status.

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